



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SETTE *et al.*

Appl. No.: 09/189,702

Filed: November 10, 1998

For: **HLA Binding Peptides and Their
Uses**

Confirmation No.: 5779

Art Unit: 1644

Examiner: Schwadron, Ronald B.

Atty. Docket: 2060.0370001/EKS/M-M

Request for Change of Attorney Docket Number

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request that the attorney docket number for the above-captioned application be changed from "2473.0370001/EKS/M-M" to -- 2060.0370001/EKS/M-M --. Kindly use this attorney docket number in any future correspondence addressed to the undersigned.

Respectfully submitted,

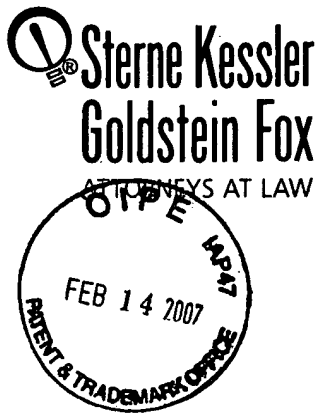
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Date: February 14, 2007

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February 14, 2007

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PO Box 1450
Alexandria, VA 22313-1450

Art Unit 1644

Attn: Mail Stop Amendment

Re: U.S. Utility Patent Application
Application No. 09/189,702; Filed: November 10, 1998
For: **HLA Binding Peptides and Their Uses**
Inventors: SETTE *et al.*
Our Ref: 2060.0370001/EKS/M-M

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Copy of Office Communication dated December 14, 2006;
2. Amendment Under 37 C.F.R. § 1.125;
3. Substitute Specification in compliance with 37 C.F.R. §§ 1.121(b)(3) and 1.125;
4. Marked-up copy of Specification as forth in 37 C.F.R. § 1.125(c);
5. Request for Change of Attorney Docket Number; and
6. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
February 14, 2007
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Mita Mukherjee", with a long horizontal stroke extending to the right.

Mita Mukherjee
Agent for Applicants
Registration No. 54,325

EKS/M-M":krh
Enclosures

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/189,702	11/10/1998	ALESSANDRO LETTE	2473.0370001/EKS/M-M	5779

26111 7590 12/14/2006

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EXAMINER

SCHWADRON, RONALD B

ART UNIT PAPER NUMBER

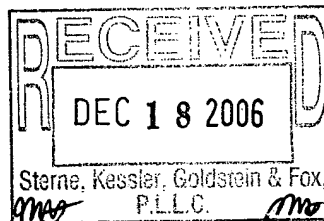
1644

COPY

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED

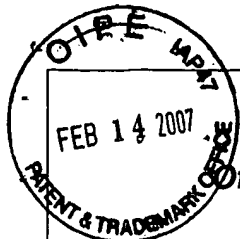


EKS
m-m

12/19
12/20
m-m

Pre-Allowance Response due February 14, 2007

STAT BAR due June 14, 2007



Office Action Summary

Application No.

09/189,702

Applicant(s)

LETTE ET AL.

Examiner

Ron Schwadron, Ph.D.

Art Unit

1644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9, 16 and 31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9, 16, 31 is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner. *is per enclosed OFFICE ACTION*
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

1. The rejection of claims 25-30,32-35 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement for the reasons elaborated in paragraph 6 of the Office Action mailed 9/20/05 is withdrawn in view of the cancellation of said claims.

2. Claims 9,16,31 are allowed.

3. This application is in condition for allowance except for the following formal matters.

A) The abstract of the disclosure is objected to because it does not disclose the claimed invention (aka the composition of claim 9). Correction is required. See MPEP § 608.01(b).

B) The amendment to the specification of 1/12/2000 listing the SEQ. ID. numbers for the disclosed sequences in the specification was not entered due to the number of changes required (see 37 CFR 1.125).

A substitute specification listing the aforementioned SEQ. ID. numbers (excluding the claims) is required pursuant to 37 CFR 1.125(a) because of the number of changes required.

A substitute specification must not contain new matter. The substitute specification must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) and a statement that the substitute specification contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

4. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Art Unit: 1644


A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ron Schwadron, Ph.D. whose telephone number is 571 272-0851. The examiner can normally be reached on Monday-Thursday 7:30-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on 571 272-0841. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ron Schwadron, Ph.D.
Primary Examiner
Art Unit 1644


RON SCHWADRON
PRIMARY EXAMINER
GROUP 1800-1600